The Planning Inspectorate

Appeal Decision

Site visit made on 15 March 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2021

Appeal Ref: APP/Z5630/W/20/3263706
The Barge Dock Site, Down Hall Road, Kingston Upon Thames KT1 4ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr M Spenser-Morris of Keyway Estates Ltd against the decision of the Council of the Royal Borough of Kingston upon Thames.
- The application Ref 20/01696/CLC, dated 16 July 2020, sought approval of details pursuant to conditions Nos 3, 6, 17 and 19 of a planning permission Ref 15/12466/FUL, granted on 3 September 2015.
- The application was refused by notice dated 29 October 2020.
- The development proposed is erection of "boathouse" building (821m^2) over the Barge Dock for use as a restaurant/café on first floor with ground floor reception, plant room and alterations to mooring facilities.
- The details for which approval is sought are: materials; cycling parking facilities; landscaping, boundary details and mooring fixtures; and fire escape.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application submitted to the Council sought approval of those conditions listed within the banner heading above. However, the Council's refusal of details reserved by condition decision notice sets out that its refusal relates to those details submitted pursuant to conditions 3 (materials) and 17 (landscaping, boundary details and mooring fixtures). The Council's delegated report sets out that the details submitted pursuant to conditions 6 and 19 are acceptable to the Council. I, therefore, have considered this appeal on the basis of those conditions refused approval as cited in the Council's decision notice and limited my considerations to those details submitted pursuant to conditions 3 and 17.

Main Issue

3. The main issue is whether a development of satisfactory appearance would be achieved.

Reasons

4. The appeal site is located at a prominent site within the Riverside North Conservation Area and the Thames-Side Strategic Area of Special Character, amongst other designations. This is clearly a visually sensitive location where

only a development of high quality appearance and design would be appropriate.

5. The details submitted provide photographs of brickwork, clay tiles, weatherboarding, cast limestone stone features, cupola, paving, examples of cast iron columns elsewhere upriver, existing bollards and railings, all identified to be provided by either named suppliers or unnamed specialists.

6. Looking at specific elements of the development the details provide a photograph taken some distance from a GRP cupola said to be painted white. This is a traditional, distinctive and highly visible feature of the development. The details provided are extremely limited and do not provide architect drawings or specialist manufacturer specifications of all sides of the cupola. It is, therefore, difficult to determine whether the design, detailing, materials and finish would achieve a cupola of appropriate quality and appearance for the host building, the conservation area and special character area. I similarly consider this applies to all the windows. It is important to determine the materials to be used for all the windows, the thickness of the mullions and other detailed elements of the windows to be satisfied that they would be of an appropriate appearance. Therefore, detailed architectural information is required to determine the acceptability, or not as the case may be, of the GRP cupola and the windows.

7. Weatherboard cladding is to be provided by a specialist, however the details provided give no indication as to the whether the weatherboard would be timber or other composite material. Manufacturer's specifications or a sample of the weatherboarding would provide certainty and allow for an assessment of the quality of that product. Furthermore, there are other buildings within this conservation area and special character area. No substantive information has been provided that would illustrate how the weatherboarding, brick and/or clay tiles would relate to those existing developments. Given the sensitivity of the site it is important to ensure that the palette of materials would be complementary to the area, otherwise the development could visually conflict with both its existing character or appearance.

8. Along the street frontage windows would infill the gaps between decorative columns. However, no specific information details how these windows would relate to the columns. This is an important street frontage elevation and the devil will be in the detailing with regard to the visual success of this street frontage. Although annotation indicates that the cast iron columns would resemble those of Turks Pier Buildings upriver, the detail provided on the drawings submitted is limited and does not facilitate an assessment of the detailing of the columns and the quality of their appearance.

9. The details submitted relating to elements of the boundary treatment indicate that some existing features, such as, cast iron blocks, bollards and railings are to be retained and refurbished. Retaining existing features that contribute to the character or appearance of the conservation area and special character area is commendable. However, it is not clear from the details provided whether the full boundary of the site has been considered. With uncertainty relating to boundary treatments the details do not sufficiently demonstrate that the development would be of satisfactory and appropriate appearance on completion.

10. Further to the above, the appellant contends that the application drawings contain information relating only to hard landscaping. However, the application form indicates that approval is being sought for those matters pursuant to condition 17. Condition 17 requires details relating to landscaping, boundary details and mooring fixtures. In limiting the information submitted to that of hard landscaping only, insufficient information has been provided pursuant to the requirements set out in this condition.

11. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Detailed architectural information and/or specialist manufacturer specifications and/or material samples would assist the Council determine whether or not the boathouse development would be of a satisfactory and appropriate appearance within the conservation area and special character area on its completion. I do not consider the details provided on the drawings that support the application provide an appropriate level of detail or clarity that would demonstrate that the development would preserve or enhance the character or appearance of the conservation area, as required by the 1990 Act.

12. For the above reasons, I conclude that the information provided does not adequately demonstrate that a development of satisfactory appearance would be achieved. As such, this brings the development into conflict with Policy DM10 of the Royal Borough of Kingston Upon Thames LDF Core Strategy that requires development to incorporate principles of good design, contribute to the character and local distinctiveness of a street or area and that shows particular sensitivity to conservation areas.

Other matters

13. Some concern has been raised about the Council's processing of the application. I have been provided with copies of correspondence sent to the Council whilst the details were before officers for determination and following the application's determination. There is also concern expressed to the wording and content of the informatives that the Council has included upon the decision notice. However, these are matters that, if necessary, should be raised with the Council away from this appeal. In any event, these concerns would not lead me to alter my findings above.

14. The appellant contends that the decision notice does not comply with paragraph 35(1)(b) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as it is considered the notice has not stated clearly and precisely the reasons for refusals. Both reasons for refusal indicate that the Council's concern relates to insufficient information having been submitted to ensure a development of satisfactory appearance on completion. The Council's delegated report amplifies these reasons for refusal. I have not been directed to any particular evidence that might substantiate the appellant's contentions.

Conclusion

15. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies INSPECTOR